

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re: Mark Kesel

Case No. 10-41653

**CHAPTER 11
MONTHLY OPERATING REPORT
(SMALL REAL ESTATE/INDIVIDUAL CASE)**

SUMMARY OF FINANCIAL STATUS

MONTH ENDED: 03/31/10

PETITION DATE: 02/16/10

1. Debtor in possession (or trustee) hereby submits this Monthly Operating Report on the Accrual Basis of accounting (or if checked here the Office of the U.S. Trustee or the Court has approved the Cash Basis of Accounting for the Debtor).
Dollars reported in \$1

	<u>End of Current Month</u>	<u>End of Prior Month</u>	<u>As of Petition Filing</u>
2. Asset and Liability Structure			
a. Current Assets	\$28,907	\$31,570	
b. Total Assets	\$2,712,105	\$2,695,755	\$2,645,342
c. Current Liabilities	\$0	\$0	
d. Total Liabilities	\$4,078,920	\$4,078,920	\$4,083,006
			<u>Cumulative</u>
3. Statement of Cash Receipts & Disbursements for Month	<u>Current Month</u>	<u>Prior Month</u>	<u>(Case to Date)</u>
a. Total Receipts	\$6,181	\$6,979	\$13,160
b. Total Disbursements	\$8,844	\$6,979	\$15,823
c. Excess (Deficiency) of Receipts Over Disbursements (a - b)	(\$2,663)	\$0	(\$2,663)
d. Cash Balance Beginning of Month	\$6,570		\$6,570
e. Cash Balance End of Month (c + d)	\$3,907	\$0	\$3,907
			<u>Cumulative</u>
4. Profit/(Loss) from the Statement of Operations	<u>Current Month</u>	<u>Prior Month</u>	<u>(Case to Date)</u>
	N/A	N/A	N/A
5. Account Receivables (Pre and Post Petition)	\$0		
6. Post-Petition Liabilities	\$0		
7. Past Due Post-Petition Account Payables (over 30 days)	\$0		

At the end of this reporting month:

- | | <u>Yes</u> | <u>No</u> |
|--|-----------------------------|-----------|
| 8. Have any payments been made on pre-petition debt, other than payments in the normal course to secured creditors or lessors? (if yes, attach listing including date of payment, amount of payment and name of payee) | <u> </u> | <u>X</u> |
| 9. Have any payments been made to professionals? (if yes, attach listing including date of payment, amount of payment and name of payee) | <u> </u> | <u>X</u> |
| 10. If the answer is yes to 8 or 9, were all such payments approved by the court? | <u> </u> | <u>X</u> |
| 11. Have any payments been made to officers, insiders, shareholders, relatives? (if yes, attach listing including date of payment, amount and reason for payment, and name of payee) | <u> </u> | <u>X</u> |
| 12. Is the estate insured for replacement cost of assets and for general liability? | <u> </u> | <u>X</u> |
| 13. Are a plan and disclosure statement on file? | <u> </u> | <u>X</u> |
| 14. Was there any post-petition borrowing during this reporting period? | <u> </u> | <u>X</u> |
| 15. Check if paid: Post-petition taxes <u> </u> ; U.S. Trustee Quarterly Fees <u> </u> ; Check if filing is current for: Post-petition tax reporting and tax returns: <u>X</u> .
(Attach explanation, if post-petition taxes or U.S. Trustee Quarterly Fees are not paid current or if post-petition tax reporting and tax return filings are not current.) | | |

I declare under penalty of perjury I have reviewed the above summary and attached financial statements, and after making reasonable inquiry believe these documents are correct.

Date: 4.9.2010

Mark Kesel
Responsible Individual

BALANCE SHEET
(Small Real Estate/Individual Case)
For the Month Ended 03/31/10

Assets		Check if Exemption Claimed on Schedule C	Market Value
Current Assets			
1	Cash and cash equivalents (including bank accts., CDs, etc.)		\$3,907
2	Accounts receivable (net)		
3	Retainer(s) paid to professionals		
4	Other: <u>Retainer to Bankruptcy Attorney</u>		\$25,000
5			
6	Total Current Assets		\$28,907
Long Term Assets (Market Value)			
7	Real Property (residential)		\$859,000
8	Real property (rental or commercial)		\$1,500,000
9	Furniture, Fixtures, and Equipment	X	\$5,225
10	Vehicles	X	\$4,000
11	Partnership interests		
12	Interest in corporations		
13	Stocks and bonds		\$6,935
14	Interests in IRA, Keogh, other retirement plans	X	\$305,664
15	Other: <u>Small balances from mostly dormant bank ac.</u>		\$974
16	<u>Personal items</u>	X	\$1,400
17	Total Long Term Assets		\$2,683,198
18	Total Assets		\$2,712,105
Liabilities			
Post-Petition Liabilities			
Current Liabilities			
19	Post-petition not delinquent (under 30 days)		
20	Post-petition delinquent other than taxes (over 30 days)		
21	Post-petition delinquent taxes		
22	Accrued professional fees		
23	Other: _____		
24			
25	Total Current Liabilities		\$0
26	Long-Term Post Petition Debt		
27	Total Post-Petition Liabilities		\$0
Pre-Petition Liabilities (allowed amount)			
28	Secured claims (residence)		\$889,373
29	Secured claims (other)		\$1,556,810
30	Priority unsecured claims		\$0
31	General unsecured claims		\$1,632,737
32	Total Pre-Petition Liabilities		\$4,078,920
33	Total Liabilities		\$4,078,920
Equity (Deficit)			
34	Total Equity (Deficit)		(\$1,366,815)
35	Total Liabilities and Equity (Deficit)		\$2,712,105

NOTE:

Indicate the method used to estimate the market value of assets (e.g., appraisals; familiarity with comparable market prices, etc.) and the date the value was determined.

SCHEDULES TO THE BALANCE SHEET

Schedule A Rental Income Information

List the Rental Information Requested Below By Properties (For Rental Properties Only)

	<u>Property 1</u>	<u>Property 2</u>	<u>Property 3</u>
1 Description of Property	<u>1306 MLK Jr Way</u>	<u></u>	<u></u>
2 Scheduled Gross Rents	<u>\$16,769</u>	<u></u>	<u></u>
Less:			
3 Vacancy Factor	<u></u>	<u></u>	<u></u>
4 Free Rent Incentives	<u></u>	<u></u>	<u></u>
5 Other Adjustments	<u></u>	<u></u>	<u></u>
6 Total Deductions	<u>\$10,588</u>	<u>\$0</u>	<u>\$0</u>
7 Scheduled Net Rents	<u>\$6,181</u>	<u>\$0</u>	<u>\$0</u>
8 Less: Rents Receivable (2)	<u></u>	<u></u>	<u></u>
9 Scheduled Net Rents Collected (2)	<u>\$6,181</u>	<u>\$0</u>	<u>\$0</u>

(2) To be completed by cash basis reporters only.

Schedule B Recapitulation of Funds Held at End of Month

	<u>Account 1</u>	<u>Account 2</u>	<u>Account 3</u>
10 Bank	<u>Wells Fargo Bank</u>	<u></u>	<u></u>
11 Account No.	<u>9526265245</u>	<u></u>	<u></u>
12 Account Purpose	<u>Personal</u>	<u></u>	<u></u>
13 Balance, End of Month	<u>\$3,907</u>	<u>\$0</u>	<u>\$0</u>
14 Total Funds on Hand for all Accounts	<u>\$3,907</u>		

Attach copies of the month end bank statement(s), reconciliation(s), and the check register(s) to the Monthly Operating Report.

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

Increase/(Decrease) in Cash and Cash Equivalents

For the Month Ended 03/31/10

		Actual Current Month	Cumulative (Case to Date)
Cash Receipts			
1	Rent/Leases Collected		
2	Cash Received from Sales		
3	Interest Received		
4	Borrowings		
5	Funds from Shareholders, Partners, or Other Insiders		
6	Capital Contributions		
7	Net Rents Proccds including laundry income	\$6,181	\$13,160
8			
9			
10			
11			
12	Total Cash Receipts	\$6,181	\$13,160
Cash Disbursements			
13	Selling		
14	Administrative		
15	Capital Expenditures		
16	Principal Payments on Debt		
17	Interest Paid		
	Rent/Lease:		
18	Personal Property		
19	Real Property		
	Amount Paid to Owner(s)/Officer(s)		
20	Salaries		
21	Draws		
22	Commissions/Royalties		
23	Expense Reimbursements		
24	Other		
25	Salaries/Commissions (less employee withholding)		
26	Management Fees		
	Taxes:		
27	Employee Withholding		
28	Employer Payroll Taxes		
29	Real Property Taxes		
30	Other Taxes		
31	Other Cash Outflows:		
32	Living Expenses	\$6,069	\$10,273
33	Mortgage Payment	\$2,775	\$5,550
34			
35			
36			
37	Total Cash Disbursements:	\$8,844	\$15,823
38	Net Increase (Decrease) in Cash	(\$2,663)	(\$2,663)
39	Cash Balance, Beginning of Period	\$6,570	\$6,570
40	Cash Balance, End of Period	\$3,907	\$3,907

PMA® Prime Checking Account

Activity summary

Balance on 3/1	0.00
Deposits/Additions	9,194.84
Withdrawals/Subtractions	-5,288.22
Balance on 3/31	\$3,906.62

Account number: **9526265245****MARK KESEL****DEBTOR IN POSSESSION****CH 11 CASE#10-41653 (NCA)**

Wells Fargo Bank, N.A., California (Member FDIC)

Questions about your account: **1-800-742-4932**

Worksheet to balance your account and General Statement Policies can be found towards the end of this statement.

Overdraft protection

Your account is linked to the following for Overdraft Protection:

- Savings - 2527627471

Interest you've earned

Interest earned this month	\$0.26
Average collected balance this month	\$3,893.84
Annual percentage yield earned	0.08%
Interest paid this year	\$0.26
Total interest paid in 2009	\$0.00

Transaction history

Date	Description	Check No.	Deposits/ Additions	Withdrawals/ Subtractions	Ending Daily Balance
Beginning balance on 3/1					0.00
3/1	Deposit		1,516.00		
3/1	Transfer Ref#Opeqjrxwfv From Checking Xxxxxx5755		178.58		1,694.58
3/3	Bill Pay Equity On-Line Xxxxxx2071998 On 03-03			644.15	1,050.43
3/9	Deposit		5,000.00		6,050.43
3/18	EastBay Mud Check Paym 100318 00096	^96		103.10	5,947.33
3/19	Check	97		857.28	5,090.05
3/23	Deposit		2,500.00		
3/23	Deposit Adjustment			249.73	7,340.32
3/24	Check	98		3,400.97	3,939.35
3/29	USBank Cr CD Pmt 00099 4623008565377837	^99		32.99	3,906.36
3/31	Interest Payment		0.26		3,906.62
Ending balance on 3/31					3,906.62
Totals			\$9,194.84	\$5,288.22	

Key to symbols: ^ **Converted checks** Paper check converted to an electronic format by your payee or designated representative.
Converted checks cannot be returned, copied or imaged.

Summary of checkswritten (checks listed are also displayed in the preceding Transaction history section)

Number	Date	\$ Amount	Number	Date	\$ Amount	Number	Date	\$ Amount
96	3/18	103.10	98	3/24	3,400.97	99	3/29	32.99
97	3/19	857.28						



PMA • PRIME CHECKING ACCOUNT (CONTINUED)

Funds Availability Policy Statement Message

Thank you for banking with Wells Fargo. Please note the following change to the Consumer Account Agreement that provides information on when the funds from the checks you deposit will be available to you.

All check deposits are considered local checks. However, in some cases, the Bank will not make all the funds that you deposit by check available to you on the first Business Day after the day of your deposit. Depending on the type of check that you deposit, funds may not be available until the second or third Business Day* after the day of your deposit. The first \$100 of your deposit, however, may be available on the first or second Business Day*. For Opportunity Checking and Opportunity Savings accounts: \$100 will be available on the first Business Day after the day of your deposit. The remaining balance will be available on the second or third Business Day* after the day of your deposit.

In addition, funds you deposit by check may be delayed for a longer period. The Bank will notify you if we delay your ability to withdraw funds for any of these reasons, and we will tell you when the funds will be available. The funds will generally be available no later than the 7th or the 8th Business Day* after the day of your deposit.

For more information, refer to the March 17, 2010 Addendum to the Consumer Account Agreement or speak to a banker by calling the number shown on your statement.

* The Bank may delay availability of funds by one additional Business Day for certain checks deposited at a Bank location in Alaska. This right applies only if the check is drawn on or payable at or through a paying bank not located in Alaska.

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Wells Fargo Money Market Savings SM

Activity summary

Balance on 3/1	0.00
Deposits/Additions	100.68
Withdrawals/Subtractions	- 0.00
Balance on 3/31	\$100.68

Account number: **2527627471****MARK KESEL****DEBTOR IN POSSESSION****CH 11 CASE#10-41653 (NCA)**

Wells Fargo Bank, N.A., California (Member FDIC)

Questions about your account: **1-800-742-4932**Worksheet to balance your account and General
Statement Policies can be found towards the
end of this statement.**Interest you've earned**

Interest earned this month	\$0.01
Average collected balance this month	\$100.67
Annual percentage yield earned	0.12%
Interest paid this year	\$0.01
Total interest paid in 2009	\$0.00

Transaction history

Date	Description	Deposits/ Additions	Withdrawals/ Subtractions	Ending Daily Balance
Beginning balance on 3/1				
3/1	Deposit			0.00
3/31	Interest Payment	100.67		100.67
		0.01		100.68
Ending balance on 3/31				100.68
Totals				
		\$100.68	\$0.00	

Worksheet to balance your checking account

1. Go through your check register and mark each check (this includes cancelled, converted and substitute checks that may appear on your statement), withdrawal, ATM transaction, payment, deposit or other credit listed in the "Transaction history" section of your statement. Be sure your register shows any interest or dividends paid into your account and any service charges, automatic payments or transfers withdrawn from your account during this statement period.

2. Using the chart below, list any outstanding, converted or substitute checks, as well as any ATM withdrawals, payments or any other withdrawals (including any from previous months) which are listed in your register but are not shown on your statement.

3. Balance your account by filling in the spaces below.

 ENTER

A The ending balance shown on your statement

\$

 ADD

B Any deposits listed in your register or transfers into your account which are not shown on your statement

\$

\$

\$

\$

\$

↑ \$ \$

 CALCULATE SUBTOTAL

(Add parts **A** and **B**)

\$

 SUBTRACT

C Total of outstanding checks and withdrawals from the chart at right

- \$

 CALCULATE

ENDING BALANCE

(Part **A** + Part **B** - Part **C**)

This amount should be the same as the current balance shown in your check register.

5

[illegible]

General statement policies for Wells Fargo Bank

To dispute or report inaccuracies in information we have furnished to a Consumer Reporting Agency about your accounts. You have the right to dispute the accuracy of information that Wells Fargo Bank, N.A. has furnished to a consumer reporting agency by writing to us at Wells Fargo Servicing, P.O. Box 14415, Des Moines, IA 50306-3415. Please describe the specific information that is inaccurate or in dispute and the basis for the dispute along with supporting documentation. If you believe the information furnished is the result of identity theft, please provide us with an identity theft report.

■ **Checking account information.** After balancing your checking account, please report any differences to us as soon as possible but no later than within 30 days. Special provisions, including a reporting period of up to 60 days, apply if the difference involves an electronic funds transfer. These provisions are explained below.

■ In case of errors or questions about your electronic transfers, telephone us at the number printed on the front of this statement or write us at Wells Fargo Bank, 735 West Wisconsin Avenue, Milwaukee, WI 53201-2057 as soon as you can, if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

1. Tell us your name and account number (if any).

2. Describe the error or the transfer you are unsure about, and explain as clearly as you can why you believe it is an error or why you need more information.

3. Tell us the dollar amount of the suspected error.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days to do this, we will credit your account for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation.

■ Deposit and loan products, including PMA Package, offered by Wells Fargo Bank, N.A., Member FDIC.

Bank of America

0702 P P
E0-1

**Your Bank of America
Prima Account
Statement**

Statement Period:
February 24 through March 26, 2010

Account Number: 07028-01795

At Your Service
Call: 510.649.6600

Written Inquiries
Bank of America
Albany Branch
PO Box 37176
San Francisco, CA 94137-0176

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MARK KESEL
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☐ **Summary of Your Prima Interest Checking Account**

Beginning Balance on 02/24/10	\$379.63	Number of ATM withdrawals and transfers	0
Ending Balance	\$379.63	Number of purchase transactions	0
		Number of 24 Hour Customer Service Calls	
		Self-Service	0
		Assisted	0

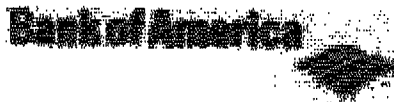
☐ **Important Information About Your Account**

Total interest paid to your account in 2009 : \$2.14

☐ **Bank of America News**

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Visit any participating location and show this statement to your tax preparer to receive \$25 off paid tax preparation. Code: 9LMLN. Offer expires 4/30/10. Details at www.jacksonhewitt.com/bankofamerica.



0702 P P
EO-2

Your Bank of America Prima Account Statement

Statement Period:
February 27 through March 31, 2010

Account Number: 07021-61806

At Your Service
Call: 510.649.6600

Written Inquiries
Bank of America
Albany Branch
PO Box 37176
San Francisco, CA 94137-0176

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MARK KESEL
1025 SOLANO AVE
ALBANY CA 94706-1617

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☐ Summary of Your Prima Interest Checking Account

Beginning Balance on 02/27/10	\$154.61	Number of ATM withdrawals and transfers	0
Total Deposits	+ 250.00	Number of purchase transactions	0
Total Checks, Withdrawals, Transfers, Account Fees	- 116.00	Number of 24 Hour Customer Service Calls	
Ending Balance	\$288.61	Self-Service	0
		Assisted	0

☐ Important Information About Your Account

Total interest paid to your account in 2009 : \$1.08

☐ Bank of America News

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Visit any participating location and show this statement to your tax preparer to receive \$25 off paid tax preparation. Code: 9LMLN. Offer expires 4/30/10. Details at www.jacksonhewitt.com/bankofamerica.

☐ Branch/ATM Deposits

Number	Date Posted	Amount
	03/17	\$250.00

Continued on next page

California

Page 1 of 2

MARK KESEL

Statement Period: February 27 through March 31, 2010
Account Number: 07021-61806

☐ **Account Activity**

Date Posted	Description	Reference Number	Amount
03/22	Withdrawals, Transfers and Account Fees Facts/Jewish Com DES: 3/20/00-1 ID:91687-Kcwj41-01 INDN:Mark Kesel 010o Co ID:1470660163 PPD Ref:010078008291549		\$116.00

☐ **Daily Balance**

Date	Amount	Date	Amount	Date	Amount
03/17	\$ 404.61	03/22	288.61		

California

Page 2 of 2

000
CITIBANK, N.A.
Account
9404005770MARK KESEL
59 STRATFORD RD
KENSINGTON CA

94707-1241

Statement Period
Feb. 23 - Mar. 22, 2010

Page 1 of 3

CITIBANK® EZ CHECKING AS OF MARCH 22, 2010

Relationship Summary:

Checking	\$92.11
Savings	-----
Investments (not FDIC insured)	-----
Loans	-----
Credit Cards	-----

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For current rates and charges, Citibank considered your average balances during the month of February in all of your qualifying checking, savings, investment, credit card, and loan accounts that you asked us to combine. These balances may be in accounts that are reported on other statements.

Rates and Charges	Your Combined Balance Range
	\$0-\$1,499
Monthly Service Charge	Standard
	\$9.50

Ask about accounts eligible for preferred rates.

Please refer to your Citibank Account Terms and Conditions for details on how we determine your monthly fees and charges. Please note that when your qualified transaction activity exceeds the designated level, you may be subject to fees for transactions performed.

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Account Statement

Member No.	Period Ending	Branch ID	Page
11250005	03-31-10	1	1 of 1

P

ACCOUNT BALANCES

1. Regular Savings	\$	102.30
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MARK A KESEL
1025 SOLANO AVENUE
ALBANY CA 94706-1617

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More details @ www.ThePartnershipFCU.com

Regular Savings

ACCT #1

01-01-10 Thru 03-31-10

Beginning Balance	Deposits	Withdrawals	Ending Balance	YTD Dividends
\$ 102.21	\$ 0.09	\$ 0.00	\$ 102.30	\$ 0.00

Transaction Effective Date	Transaction Description	Deposit	Withdrawal	Balance
01-01	Previous Balance			102.21
01-31	DIVIDEND	0.09		102.24
02-28	DIVIDEND	0.03		102.27
03-31	DIVIDEND	0.03		102.30

ANNUAL PERCENTAGE YIELD EARNED FROM 01-01-10 THRU 01-31-10 WAS 0.35%

ANNUAL PERCENTAGE YIELD EARNED FROM 02-01-10 THRU 02-28-10 WAS 0.36%

ANNUAL PERCENTAGE YIELD EARNED FROM 03-01-10 THRU 03-31-10 WAS 0.35%

Share Sub-Account Summary

Loan Sub-Account Summary

Account	Description	Balance	Dividend	Account	Description	Balance	Finance Charges
1	Regular Savings	102.30	0.00				

YTD Account Summaries

Deposit Account Totals	Loan Account Totals
Deposits \$ 0.09	Finance Charges \$ 0.00